

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN J. McCARTHY, Inmate #38051-066,)

Petitioner,)

vs.)

**WARDEN, UNITED STATES)
PENITENTIARY IN LEAVENWORTH,)
KANSAS,)**

Respondent.)

CIVIL NO. 05-448-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

Petitioner initiated this action by filing a hand-written document entitled "Petition for a Writ of Habeas Corpus by a Prisoner held in Federal Custody" pursuant to 28 U.S.C. §§ 2241 and 2255. Plaintiff's petition is not prepared on the forms required in this district. Consequently, plaintiff's instant petition shall be stricken for non-compliance with Local Rule 8.1. Should plaintiff wish to refile his complaint within the allotted time, it must be on this Court's required forms.

IT IS HEREBY ORDERED that plaintiff's petition is **STRICKEN** for non-compliance with Local Rule 8.1. Plaintiff is **GRANTED** leave to refile his petition on the appropriate forms in compliance with this order within **THIRTY (30) DAYS** of entry of this order. The Clerk is **DIRECTED** to provide plaintiff with a sufficient number of the appropriate forms.

IT IS FURTHER ORDERED that any new complaint filed by plaintiff that is not in strict compliance with this order shall be **STRICKEN**.

IT IS FURTHER ORDERED that upon conclusion of the thirty-day period, should plaintiff

fail to refile his complaint, this case will be closed for failure to comply with an order of this Court.
Fed.R.Civ.P. 41(b); *see generally* *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

IT IS SO ORDERED.

Dated: July 6, 2005

s/ J. Phil Gilbert
U. S. District Judge